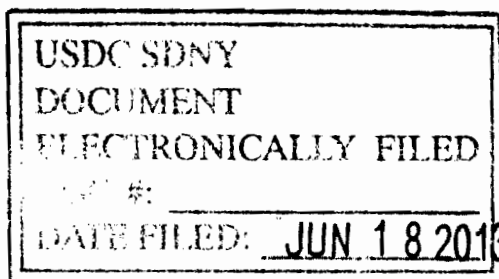


Filan LLC



James K. Filan
Attorney at Law
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June 13, 2013

VIA FACSIMILE (212) 805-0426

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

NOT ENDORSED

Re: United States v. Eric S. Lipkin
S3 10 CR 228 (LTS)

Dear Judge Swain:

I write to respectfully request a two-fold bail modification that would change Mr. Lipkin's reporting requirements as well as permit Mr. Lipkin to travel with his wife, children and mother-in-law during July 2013.

By way of background, Mr. Lipkin pleaded guilty on June 6, 2011 and was released on a \$2,500,000 bond, co-signed by seven financially responsible persons, including his mother- and father-in-law, Sue and Phil Kienast. The Kienasts pledged their residence (\$700,000 in equity) and \$100,000 in cash in support of Mr. Lipkin's bond. As part of the conditions of Mr. Lipkin's release, he is on strict supervision requiring two in-person reports every month, his travel is restricted to the District of New Jersey, the District of Connecticut, and the Southern and Eastern Districts of New York. Also, all travel documents of Mr. Lipkin, his wife and children were surrendered to Pretrial Services. The surrender of Mrs. Lipkin's passport and those of their children was without prejudice to application for return of those travel documents for particular pre-authorized travel. Mr. Lipkin is being supervised by the Pretrial Services Office in the District of New Jersey and has been in compliance with all of the terms of his release.

The first modification request, changing Mr. Lipkin's reporting requirements, was requested by Pretrial Services in the District of New Jersey. Pretrial Services in New Jersey has requested that Mr. Lipkin's reporting requirements be changed from strict supervision so that he is to "report as directed by Pretrial Services." I have spoken with Assistant United States Attorney Julian Moore and Ken Rowan of the Southern District of New York Pretrial Services Office and they have indicated that they do not object to this modification.

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The second request is that Mr. Lipkin's bail be modified so that he, his wife and children be allowed to travel to the Seattle area to visit his wife's parents, Sue and Phil Kienast, and then travel with his wife and children and Sue Kienast to Hawaii. Mr. Lipkin, if the request is approved, would travel from New Jersey to the Seattle area, where his in-laws live, on July 11, 2013. From there he would leave for Hawaii on July 15th. He would return from Hawaii to Seattle on July 22nd and would return to New Jersey from Seattle on July 29th.

The trip is being paid for by Mr. Lipkin's in-laws and Mr. Lipkin's wife. No Madoff-related funds are being used to pay for the travel. As noted, Sue Kienast, who has co-signed Mr. Lipkin's bond, will travel with the family to Hawaii, while Mr. Lipkin's father-in-law, Phil Kienast, who also co-signed his bond, will not be traveling to Hawaii. When in Seattle, Mr. Lipkin will be staying with his in-laws at their home.

I have spoken with Assistant United States Attorney Julian Moore and Ken Rowan of the Southern District of New York Pretrial Services Office and they have indicated that they do not object to this travel modification.

Accordingly, Mr. Lipkin, through counsel, respectfully requests that his bail be modified as set forth above.

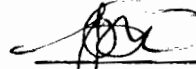
Respectfully,


James K. Filan

The requested modifications are granted.

NEW YORK, NY

June 17, 2013


LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

cc: AUSA Julian Moore (via electronic mail)
Pretrial Services Officer Ken Rowan (via regular mail)